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PTO/SB/01 (12-97)

Approved for use through 9/30/00.OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)	Attorney Docket Number	20434-739
	First Named Inventor	Mohammed N. Islam
	<i>COMPLETE IF KNOWN</i>	
	Application Number	09/766,489
	Filing Date	January 19, 2001
	Group Art Unit	2633
	Examiner Name	Not assigned

As a below named Inventor, I hereby declare that:  
My residence, post office address, and citizenship are as stated below next to my name.  
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NONLINEAR POLARIZATION AMPLIFIERS IN NONZERO DISPERSION SHIFTED FIBER**

*(Title of the Invention)*

the specification of which  
☐ is attached hereto  
OR  
☒ was filed on (MM/DD/YYYY) 01/19/2001 as United States Application Number or PCT International Application Number 09/766,489 and was amended on (MM/DD/YYYY) ☐ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.  
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(h) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
		<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

(Page 1 of 2)

**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application is not designated in the prior United States or PCT international application in the manner provided by the first paragraph of 31 U.S.C. 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/760,201	01/12/2001	
09/565,776	05/05/2000	
09/046,900	03/24/1998	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☒ Customer Number 021971 

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar  
Code Label here

Name	Registration Number	Name	Registration Number

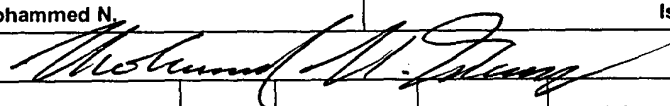
☒ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number or Bar Code Label 021971 OR ☒ Correspondence address below

Name	Kenta Suzue						
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Address	650 Page Mill Road						
City	Palo Alto	State	CA	ZIP	94304		
Country	U.S.	Telephone	650-493-9300		Fax	650-493-6811	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))				Family Name or Surname			
Mohammed N.				Islam			
Inventor's Signature						Date	5/18/01
Residence: City	Allen	State	TX	Country	US	Citizenship	US
Post Office Address	907 Twin Creeks Drive						
Post Office Address							
City	Allen	State	TX	ZIP	75013	Country	US

☐ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto:

ATTORNEY DOCKET NUMBER  
20434-739 (069204.0129)

PATENT APPLICATION  
09/766,489

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mohammed N. Islam  
Serial No.: 09/766,489  
Filing Date: January 19, 2001  
Examiner: Unknown  
Art Unit: 2633  
Confirmation No.: 1063  
Title: NONLINEAR POLARIZATION AMPLIFIERS IN  
NONZERO DISPERSION SHIFTED FIBER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

REVOCATION OF ATTORNEY AND APPOINTMENT  
OF NEW ATTORNEYS FOR NON-PROVISIONAL APPLICATION, WITH  
CERTIFICATE UNDER 37 CFR 3.73(b)

Xtera Communications, Inc., a Delaware corporation, certifies that it is the assignee in the patent application identified above by virtue of a chain of title from the inventor of the patent application identified above, to the current assignee as shown below:

From: Mohammed N. Islam  
To: Xtera Communications  
Assignment recorded at Reel 011910, Frame 0276, on June 13, 2001.

From: Mohammed N. Islam  
To: Xtera Communications, Inc.  
Corrective Assignment filed on April 8, 2002, a copy of which is attached

I, Jon Bayless, President and Chief Executive Officer of Xtera Communications, Inc. a Delaware corporation, am empowered to sign this certificate on behalf of the assignee.

I hereby revoke all prior powers of attorney in the subject application and appoint the following as principal attorneys with full power to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

I hereby appoint:

Practitioners at Customer Number 05073



all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.


Send Correspondence To:  
Douglas M. Kubehl  
The above-mentioned Customer Number

Direct Telephone Calls To:  
Douglas M. Kubehl  
at 214.953.6486  
Atty. Docket No. 069204.0129

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Xtera Communications, Inc.

4/10/02  
Date

By:   
Jon Bayless  
President and Chief Executive Officer